

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001

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POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

Complaint on First-Class Mail  
Service Standards

Docket No. C2001-3

MOTION OF THE UNITED STATES POSTAL SERVICE  
FOR LEAVE TO REPLY TO  
ANSWERS IN OPPOSITION TO  
POSTAL SERVICE MOTION TO DISMISS  
(August 21, 2001)

The Complaint submitted in this proceeding was received by the Commission on June 19, 2001. On July 30, 2001, the Postal Service filed its Motion to Dismiss. The Office of the Consumer Advocate and the Complainant filed separate Answers in Opposition to Postal Service Motion to Dismiss on August 14, 2001 (hereinafter, their respective Oppositions). The Postal Service hereby moves for leave to reply to both Oppositions.

The aforementioned pleadings contain a thorough and robust dialogue regarding the legal issues surrounding the question of whether the Commission should assert jurisdiction to hear the complaint. Accordingly, the Postal Service generally does not consider it necessary to request permission to engage in rebuttal to the arguments advanced in opposition to its motion.

However, a very limited opportunity to respond is necessary for several reasons. First, both parties introduce into the debate a novel interpretation of section 3661 to which the Postal Service should be permitted to respond. Second, the Complainant's

opposition characterizes the Postal Service's July 30, 2001, motion and the supporting Declaration of Charles Gannon with such baseless calumny as to compel a response.

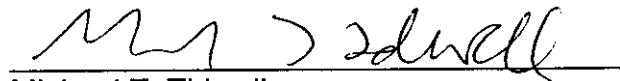
Wherefore, the Postal Service respectfully requests leave to file a reply to the August 14, 2001, Oppositions. That reply is filed concurrently with this motion as a separate document.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux  
Chief Counsel  
Ratemaking

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Michael T. Tidwell  
Attorney

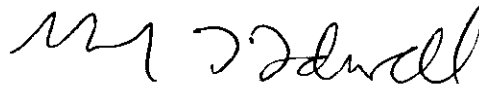
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August 21, 2001

**CERTIFICATE OF SERVICE**

I hereby certify that, in accordance with section 12 of the Rules of Practice, I have this day served the foregoing document upon:

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A handwritten signature in black ink, appearing to read "M T Tidwell", written over a horizontal line.

Michael T. Tidwell

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